THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.19337 OF 2005

Dated 16th September 2005

Between:

Nakka Tata Rao S/o.Ramulu,

Vice President, Chanubanda Gram Panchayat,

Chatrai Mandal, Krishna District.

…Petitioner

And

The District Collector, Krishna District & others

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.19337 OF 2005

O R D E R:

The petitioner claims to have submitted a representation to the respondents 1 to 3, complaining that the caste certificates issued to respondents 5 and 6, certifying that they belong to Scheduled Caste, are not proper and correct. He has also furnished the particulars of their family back ground, etc. His grievance is that the respondents 1 to 4 have not taken any steps so far.

Heard the learned counsel for the petitioner, learned Government Pleader for Social Welfare for respondents 1 to 3, Sri D.Bujji Babu, learned counsel for respondent No.5 and Sri V.Raghu, learned counsel for respondent No.6.

The Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993, for short "the Act", and the rules made thereunder, prescribe a detailed

procedure, in the matters of issuance, or cancellation of caste certificates. While Section 4 of the Act deals with the issuance of certificates, Section 5 prescribes the procedure for cancellation of certificates, so issued. The rules also supplement the procedure. The District Collector is conferred with the power, to call for the records and initiate necessary proceedings, either *suo-motu,* or on a representation received from any source. On being satisfied as to the existence of a *prima facie* case for enquiry, the District Collector has to refer the same to the Chairman, Scrutiny Committee, constituted under Rule 8.

As of now, it is stated that the Mandal Revenue Officer, the second respondent, has already submitted a report to the District Collector, and the matter is pending at his level. The petitioner asserts that the representation made by him was received by the first respondent on 7.6.2005. Even if there is any dispute as to the receipt of the same, the petitioner can make a fresh representation, in this regard. The further steps have to take place, after notice to the respondents 5 and 6, and after hearing them in detail, at various levels.

For the foregoing reasons, the writ petition is disposed of, directing the first respondent to take necessary steps, in accordance with the provisions of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993, and the rules made thereunder, and conclude the steps, in accordance with law. There shall be no order as to costs.

_____

16th September 2005

PAN